

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROBERT BOLEY,

Plaintiff,

- against -

CV 12

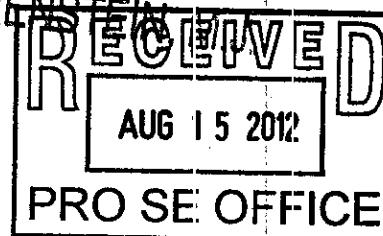
ROSS, J.

~~4000~~

PLAINTIFF
DEMANDS
TRIAL BY
JURY ON
ALL ISSUES

ALBERT DEVITO,
CAROLYN ZEITLER,
HONORABLE GUY MANGANO,
HONORABLE ~~██████████~~ Martin Murphy R.B.
KINGS COUNTY DISTRICT ATTORNEYS OFFICE,
DISTRICT ATTORNEY CHARLES J. HYNES ESQ.,
ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ.,
ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME],
SERGEANT [FNU] DURETS (61 PRECINCT),
POLICE OFFICER DEXTER DEONARINESINGH (61 PRECINCT),
POLICE OFFICER JOHN DOE #1 (DESK OFFICER, 61 PRECINCT),
POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 (61 PRECINCT),

Defendants.



Plaintiff, ROBERT BOLEY appearing *pro se*, complaining of the Defendants,
respectfully alleges, upon information and belief, as follows:

**AS AND FOR A FIRST CAUSE OF ACTION
IN NEGLIGENCE**

1. That the damages sought herein exclusive of interest, costs, and disbursements exceed \$75,000, and that this action is being commenced within the time allowed by law for institution of the action.
2. That at all times herein mentioned, Plaintiff, ROBERT BOLEY, was, and still is a resident of the City of New York, County of Kings and State of New York and resided at 1935 East 18th Street. *Bklyn NY 11229 R.B.*
3. That upon information and belief and at all times herein mentioned, an individual known as ALBERT DEVITO resided at 135 Scribner Avenue Staten Island, NY 10301.

4. That upon information and belief and at all times herein mentioned, an individual known as **CAROLYN ZEITLER** resided at 135 Scribner Avenue Staten Island, NY 10301.

5. That upon information and belief and at all times herein mentioned, an individual known as **HONORABLE GUY MANGANO** was/is employed by the STATE OF NEW YORK in his official capacity as presiding Judge in the Supreme Court of the State of New York, County of Kings, Criminal Term Part 13. *320 Jay St. Bklyn, N.Y. 11201* R.B.

6. That upon information and belief and at all times herein mentioned, an individual known as **HONORABLE ENTER NAME** was/is employed by the STATE OF NEW YORK in his official capacity as presiding Judge in the Supreme Court of the State of New York, County of Kings, Criminal Term Part *ENTER NAME*. *320 Jay St. Bklyn, N.Y. 11201* R.B.

7. That upon information and belief and at all times herein mentioned, an individual known as **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, CHARLES J. HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI, ESQ., ASSISTANT DISTRICT ATTORNEY [PRETRIAL NAME HERE], ESQ.**, maintain their principal place of business at 350 Jay Street, Brooklyn New York 11201.

8. That upon information and belief and at all times herein mentioned, an individual known as **SERGEANT [FNU] DURETS (61 PRECINCT)**, was employed as a Police Officer by the NEW YORK CITY POLICE DEPARTMENT, and was assigned to and worked at the "61st Precinct," which had Police headquarters located at 2575 Coney Island Avenue Brooklyn, NY 11223.

9. That upon information and belief and at all times herein mentioned, an individual known as **POLICE OFFICER DEXTER DEONARINESINGH (61 PRECINCT), SHIELD #:** **16308**, was employed as a Police Officer by the NEW YORK CITY POLICE

2575 Coney Island Ave. Bklyn, N.Y. 11223 R.B.

DEPARTMENT, and was assigned to and worked at the "61st Precinct," which had Police headquarters located at 2575 Coney Island Avenue, Brooklyn, NY 11223.

10. That, upon information and belief, at all times herein mentioned, "**POLICE OFFICER JOHN DOE #1 (DESK OFFICER, 61 PRECINCT)**, fictitious names whose identity is currently unknown, was employed as Police Officer, Detective, or in some other capacity as a "desk officer" agent and/or employee of **NEW YORK CITY POLICE DEPARTMENT**, an agency, department and/or subsidiary of **CITY OF NEW YORK**.

11. That, upon information and belief, at all times herein mentioned, the individuals **POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 (61 PRECINCT)**, fictitious names whose identities are currently unknown, were employed as Police Officers, Detectives, or in some other capacity as agents and/or employees of **NEW YORK CITY POLICE DEPARTMENT**, an agency, department and/or subsidiary of **CITY OF NEW YORK**.

12. That on or about August 23rd, 2009, at approximately 1:00 a.m., Plaintiff, **ROBERT BOLEY**, was lawfully inside of his home at 1935 East 18th Street Brooklyn, New York 11229 in the County of Kings, and State of New York, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, arrived at the home of plaintiff.

13. That at the above-mentioned time and location, Plaintiff walked outside and inquired as to the presence of Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, and one of the defendants asked if Plaintiff's name was Robert, to which Plaintiff replied that it was.

14. That at the above-mentioned date and location, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, asked where Plaintiff's son was, and plaintiff replied that he will "go get him" and continued to walk back inside his house.

15. That at the above-mentioned date and location, as Plaintiff, **ROBERT BOLEY**, proceeded to walk back to his house, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, jumped on plaintiff and grabbed him to which Plaintiff asked the defendants what he had done.

16. That at the above-mentioned date and location, Defendants told Plaintiff that he was being charged with "moplicity" and placed him forcibly in handcuffs, even though plaintiff had at no time shown any threat or force toward the defendants, and walked him towards the police vehicle when Defendant, **POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, came from behind plaintiff, **ROBERT BOLEY**, and tightened the handcuffs as much as possible causing extreme anguish and pain to the plaintiff.

17. That at the above-mentioned date and location, Plaintiff, **ROBERT BOLEY**, pleaded with Defendants to loosen the handcuffs, to which there was no response, and plaintiff was forced into the back of the police vehicle and brought to the police precinct and brought before Defendant, **POLICE OFFICER JOHN DOE #1 (DESK OFFICER, 61 PRECINCT)**, who fingerprinted plaintiff and asked what he was being charged with knowing that no probable cause existed to arrest plaintiff or continue to hold him at the precinct.

18. That on or about August 23rd, 2009, at the above-mentioned date and location, as Plaintiff, **ROBERT BOLEY**, proceeded to enter his home, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, and/or other Police Officer(s), Detectives, and/or other agents and/or employees of NEW YORK CITY POLICE DEPARTMENT, and/or CITY OF NEW YORK, while acting in the scope and furtherance of their employment, physically encountered, touched, and came into physical contact with Plaintiff, **ROBERT BOLEY**, against his will and without his consent.

19. That on or about August 23rd, 2009, said Police officers, at the above-mentioned time and location, caused Plaintiff to the ground; continued to cause part(s) of their bodies to come into contact with plaintiff's body and particularly his torso and caused foreign objects to violently injure plaintiff's arms and wrists.

20. That the aforesaid acts and/or omissions of the Defendants resulted in the unlawful and unconsented touching of Plaintiff's, **ROBERT BOLEY**, body in a forceful, violent, and harmful manner by Defendants', constituting unconsented contact, excessive use of force, intentional infliction of emotional distress, negligence, carelessness, couching Plaintiff's cooperation under the guise of official Police business, when in fact and while performing their duties, they abused their power and exerted excessive and unwarranted force upon Plaintiff, all of which was totally without Plaintiff's consent, resulting in physical injuries as well as profound psychological trauma resulting in permanent psychiatric residuals, manifestations and overlay with periods of uncontrolled sobbing, depression, feelings of worthlessness, lessening of self-esteem, which will have life long effects upon Plaintiff including but not limited to his

ability to resume a normal and productive life, special damages, and loss of enjoyment of life, all of which are set forth in detail the enumerated causes of action set forth hereinbelow.

21. That Defendants were careless, reckless, and negligent under the circumstances in the following manner but not limited thereto: In failing to avoid the happening of the incident involved herein; in failing to heed warnings; in failing to comply with all applicable statutes, ordinances, rules, and regulations; in failing to monitor the subject situation; in using excessive force to clear a crowded area; in negligently conducting police duties; in failing to properly react to an individual who makes verbally disparaging remarks but otherwise presents no physical threat; in causing unnecessary physical contact with an individual who presents no physical threat, and all of defendants acts and/or omissions constituting negligence were a direct and proximate cause of the incident involved herein and injuries sustained therefrom.

22. Plaintiff, **ROBERT BOLEY**, was arraigned on or about August 24th, 2009,
before Defendants, **HONORABLE** *Martin Murphy R.B.* **KINGS COUNTY**
DISTRICT ATTORNEYS OFFICE, CHARLES J. HYNES ESQ., and ASSISTANT
DISTRICT ATTORNEY [PRETRIAL NAME HERE], and pled not guilty to the charges.
Knowing that probable cause did not exist to prosecute plaintiff for the charges brought against
him, Defendants allowed the case to continue negligently and with malice aforethought.
Further, Plaintiff's DNA was taken despite no requirement for DNA to be taken from him.

23. That at the above-mentioned date and location, **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, CHARLES J. HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI, ESQ., and ASSISTANT DISTRICT ATTORNEY [PRETRIAL NAME HERE]**, began to prosecute the case against plaintiff

negligently knowing there was no probable cause to arrest plaintiff, or convict him, in an attempt to convict him falsely with malice aforethought.

24. That Plaintiff, **ROBERT BOLEY**, would be forced to appear before Defendants,
Martin Murphy R.B.
HONORABLE  **KINGS COUNTY DISTRICT**
ATTORNEYS OFFICE, CHARLES J. HYNES ESQ., ASSISTANT DISTRICT
ATTORNEY LISA MARIE VELLUCCI, ESQ., and ASSISTANT DISTRICT
ATTORNEY [PRETRIAL NAME HERE], on approximately thirteen (13) different occasions where Defendants had ample opportunity to dismiss the charges against plaintiff and put an end to the negligence and the case being brought against plaintiff which was built on nothing but malice and personal disdain for plaintiff.

25. On or about November 1, 2010, Plaintiff, **ROBERT BOLEY**, began a trial against the falsified charges facing him in the Supreme Court of the State of New York, County of Kings, Criminal Term, Part 13 before Defendants, **HONORABLE GUY MANGANO**, **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, CHARLES J. HYNES ESQ., and ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI, ESQ.**, and Defendants failed to mitigate their damages by dismissing the charges against plaintiff based on nothing but negligent police-work and personal malice towards plaintiff.

26. On or about November 3, 2010, Defendants, **ALBERT DEVITO and CAROLYN ZEITLER**, testified against Plaintiff, **ROBERT BOLEY**, in an attempt to convict him of the falsified charges knowing full well that their testimony was completely inaccurate, wholly unfounded, based on nothing but negligent police-work and malicious intent, and, therefore, perjured themselves before Defendants, **HONORABLE GUY MANGANO**, **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, CHARLES J. HYNES ESQ.**,

ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI, ESQ., and the People of the State of New York. Despite all charges related to any theft were dismissed, Plaintiff has never received any property back from the District Attorney's office or the property clerk who are negligently holding on to the property.

27. That by reason of the foregoing negligence on behalf of Defendants, **ALBERT DEVITO, CAROLYN ZEITLER, HONORABLE GUY MANGANO, HONORABLE Martin Murphy R.B.** **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, DISTRICT ATTORNEY CHARLES J. HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ., ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME], SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER), POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 (61 PRECINCT), Plaintiff, ROBERT BOLEY,** has been caused to sustain serious permanent personal injuries of body and mind as well as special damages and loss and/or diminution in his enjoyment of life, and that as a result of the foregoing, the Plaintiff, **ROBERT BOLEY**, has sustained damages, which exceed the jurisdictional limit of this Court, exclusive of interest, costs, and disbursements and/or Plaintiff has been damaged in a sum not to exceed THREE MILLION (\$3,000,000) DOLLARS.

**AS AND FOR A SECOND CAUSE OF ACTION
FOR ASSAULT AND BATTERY**

28. That at all times herein mentioned, Plaintiff repeats, reiterates and realleges each and every allegation contained herein as though set forth at length herein.

29. That on or about August 23rd, 2009, at the above-mentioned date and location, as Plaintiff, **ROBERT BOLEY**, proceeded to enter his home, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE**

OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT, and/or other Police Officer(s), Detectives, and/or other agents and/or employees of NEW YORK CITY POLICE DEPARTMENT, and/or CITY OF NEW YORK, while acting in the scope and furtherance of their employment, physically encountered, touched, and came into physical contact with Plaintiff, ROBERT BOLEY, against his will and without his consent.

30. That said forceful and violent encounters included, but were not limited to, forceful contact between the hands of at least one "plain clothes" police officer and Plaintiff's hands, and forceful contact between the hands of at least one uniformed police officer and Plaintiff's hands.

31. That on or about August 23rd, 2009, at the above-mentioned date and location, as Plaintiff, **ROBERT BOLEY**, proceeded to enter his home, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, assaulted and battered Plaintiff, **ROBERT BOLEY**, with force and violence, which Plaintiff observed and interpreted with great apprehension and fear, all against Plaintiff's will, and that the actions of Police Officer(s), Detectives, and/or other agents and/or employees, while in the scope and furtherance of his employment, were willful, intentional and unwarranted, and were without just cause or provocation.

32. That on or about November 8, 2010, Defendants, **HONORABLE GUY MANGANO, KINGS COUNTY DISTRICT ATTORNEYS OFFICE, DISTRICT ATTORNEY CHARLES J. HYNES ESQ., and ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ.**, assaulted and battered Plaintiff, **ROBERT BOLEY**, by forcefully taking his DNA sample from him, despite there being no legal cause for doing so,

while in the scope and furtherance of their employment, were willful, intentional and unwarranted, and were without just cause or provocation.

33. That as a direct, proximate cause of Defendants' assault and battery of the Plaintiff, the Plaintiff, **ROBERT BOLEY**, has suffered great physical and emotional injuries resulting in pain and suffering and emotional distress, as well as extreme mental anguish, outrage, severe anxiety, painful embarrassment, periods of depression, disruption of his life and loss of enjoyment of the ordinary pleasures of everyday life, and that as a result of the foregoing, the Plaintiff, **ROBERT BOLEY**, has sustained damages, which exceed the jurisdictional limit of this Court, exclusive of interest, costs, and disbursements and/or Plaintiff has been damaged in a sum not to exceed THREE MILLION (\$3,000,000) DOLLARS.

**AS AND FOR A THIRD CAUSE OF ACTION
FOR FALSE ARREST**

34. That at all times herein mentioned, Plaintiff repeats, reiterates and realleges each and every allegation contained herein as though set forth at length herein.

35. That on or about August 23rd, 2009, at the above-mentioned date and location, as Plaintiff, **ROBERT BOLEY**, was falsely arrested by, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER, 61 PRECINCT), AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, and was never read his *Miranda* rights and was not informed that criminal charges were to be brought against him.

36. That at the above-mentioned date and location, as Plaintiff, **ROBERT BOLEY**, proceeded to enter his home, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER, 61 PRECINCT), and POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF**

THE 61ST PRECINCT, arrested Plaintiff, **ROBERT BOLEY**, and charged him with numerous charges despite not having reasonably investigated the arrest nor properly determining probable cause thereof. Plaintiff did not demonstrate any behavior to suggest he was a physical threat, and was in fact the victim of a physical assault and battery by Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, and/or other agents and/or employees of NEW YORK CITY POLICE DEPARTMENT and/or CITY OF NEW YORK, who abused their authority by exerting excessive physical force on Plaintiff.

37. That on or about August 23rd, 2009, Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER, 61 PRECINCT), and POLICE OFFICER JOHN/JANE DOE(S) #2-10 OF THE 61ST PRECINCT** accused and arrested plaintiff, **ROBERT BOLEY**, of having committed a criminal act(s), to wit: Robbery in the first, second and third degree, Assault in the second degree, Grand Larceny in the fourth degree, Petit Larceny and criminal possession of a weapon in the fourth degree, while knowing that Plaintiff committed no such criminal act(s) and were acting within the scope of their employment with NEW YORK CITY POLICE DEPARTMENT and/or CITY OF NEW YORK.

38. That, upon information and belief, on or about August 23, 2009, at the above-mentioned time and location, Plaintiff, **ROBERT BOLEY**, was detained at the 61st Precinct office of Defendants, where he remained in custody for approximately thirty-three (33) hours with no food or water, no ability to use the rest room or facilities and was denied a phone call.

39. That, upon information and belief, on or about August 24, 2009, Plaintiff, **ROBERT BOLEY**, was arraigned before Defendants, **HONORABLE** *Martin Murphy* R.B. **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, CHARLES J. HYNES ESQ., and ASSISTANT DISTRICT ATTORNEY [PRETRIAL NAME HERE]**, and Plaintiff pled "not guilty" to the criminal charges against him, to wit: Robbery in the first, second and third degree, Assault in the second degree, Grand Larceny in the fourth degree, Petit Larceny and criminal possession of a weapon in the fourth degree and Plaintiff was released upon his own recognizance.

40. That, under the circumstances herein, the Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER, 61 PRECINCT), POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT, HONORABLE [PRETRIAL JUDGE NAME], KINGS COUNTY DISTRICT ATTORNEYS OFFICE, CHARLES J. HYNES ESQ., and ASSISTANT DISTRICT ATTORNEY** *Martin Murphy* R.B. falsely arrested, Plaintiff, **ROBERT BOLEY**, and he sustained emotional overlay, stress, anxiety, humiliation, embarrassment, tension, and loss of wages and employment opportunity, and that as a result of the foregoing, the Plaintiff, **ROBERT BOLEY**, has sustained damages, which exceed the jurisdictional limit of this Court, exclusive of interest, costs, and disbursements and/or Plaintiff has been damaged in a sum not to exceed THREE MILLION (\$3,000,000) DOLLARS.

**AS AND FOR A FOURTH CAUSE OF ACTION
FOR FALSE AND UNJUST DETENTION**

41. That at all times herein mentioned, Plaintiff repeats, reiterates and realleges each and every allegation contained herein as though set forth at length herein.

42. That as a result of the foregoing, Plaintiff **ROBERT BOLEY** was held and detained by Police officer(s), detective(s), agent(s) and/or employee(s) of Defendants, **SERGEANT [FNU]**

**DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN
DOE #1 (DESK OFFICER, 61 PRECINCT), and POLICE OFFICER JOHN/JANE DOE(S)
#S 2-10 OF THE 61ST PRECINCT**, against his will and without just or any cause and that the foregoing constitutes false and unjust detention of plaintiff.

43. That as a result of the foregoing negligence on behalf of Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER, 61 PRECINCT), and POLICE OFFICER JOHN/JANE DOE(S) #S 2-10 OF THE 61ST PRECINCT**, Plaintiff, **ROBERT BOLEY**, has sustained damages for serious permanent personal injuries of mind as well as special damages and loss and/or diminution in his enjoyment of life, which exceed the jurisdictional limit of this Court, exclusive of interest, costs, and disbursements and/or Plaintiff has been damaged in a sum not to exceed THREE MILLION (\$3,000,000) DOLLARS.

**AS AND FOR A FIFTH CAUSE OF ACTION
FOR MALICIOUS PROSECUTION**

44. That at all times herein mentioned, Plaintiff repeats, reiterates and realleges each and every allegation contained herein as though set forth at length herein.

45. That as a result of the foregoing, Police officer(s), detective(s), agent(s) and/or employee(s) of Defendants, **HONORABLE GUY MANGANO, HONORABLE [REDACTED] Martin**, **MURPHY R.B.** **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, DISTRICT** **ATTORNEY CHARLES J. HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ., and ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME]**, instituted and maintained charges against plaintiff, **ROBERT BOLEY**, when defendants knew that said charges were baseless, without merit or justification, and did so only

because they held a particular bias against plaintiff for his dealings with Defendant Police Officers and Defendants from Kings County District Attorney's Office.

46. That the criminal proceeding against Plaintiff **ROBERT BOLEY** terminated/will terminate in favor of Plaintiff, **ROBERT BOLEY** when the charges were/will be dismissed on or about November 8, 2010 or thereafter.

47. That the Defendants herein, instituted and/or encouraged criminal prosecution of Plaintiff, **ROBERT BOLEY**, to wit; Robbery in the first, second and third degree, Assault in the second degree, Grand Larceny in the fourth degree, Petit Larceny and criminal possession of a weapon in the fourth degree, and that upon there being no basis for any of the criminal charges having been instituted in the first instance against Plaintiff, **ROBERT BOLEY**, Defendants' actions constitute malicious prosecution.

48. That the Defendants herein, instituted and/or encouraged criminal prosecution of Plaintiff, **ROBERT BOLEY**, and denied him the right to a speedy trial as guaranteed by the Constitution while forcing Plaintiff to appear thirteen (13) times throughout the course of fifteen (15) months. Defendants therefore, denied Plaintiff of his due process rights.

49. That Defendants, **HONORABLE GUY MANGANO**, **HONORABLE Martin Murphy R.B**
KINGS COUNTY DISTRICT ATTORNEYS OFFICE,
DISTRICT ATTORNEY CHARLES J. HYNES ESQ., **ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ.**, and **ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME]**, were made aware of the excessive abuse of Plaintiff's due process rights to a speedy trial but nevertheless maliciously perpetuated and allowed said conduct to continue over the requests and complaints of Plaintiff and his counsel.

50. That by reason of the foregoing negligence on behalf of Defendants, *Martin Murphy R.B.*
HONORABLE GUY MANGANO, HONORABLE *Martin Murphy R.B.* **KINGS**
COUNTY DISTRICT ATTORNEYS OFFICE, DISTRICT ATTORNEY CHARLES J.
HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ.,
and ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME], Plaintiff,
ROBERT BOLEY, has been caused to sustain serious permanent personal injuries of mind as
well as special damages and loss and/or diminution in his enjoyment of life, and that as a result
of the foregoing, the Plaintiff, ROBERT BOLEY, has sustained damages, which exceed the
jurisdictional limit of this Court, exclusive of interest, costs, and disbursements and/or Plaintiff
has been damaged in a sum not to exceed THREE MILLION (\$3,000,000) DOLLARS.

AS AND FOR A SIXTH CAUSE OF ACTION
FOR FALSE IMPRISONMENT

51. That at all times herein mentioned, Plaintiff repeats, reiterates and realleges each and every allegation contained herein as though set forth at length herein.

52. That as a result of the foregoing, Plaintiff **ROBERT BOLEY** was held, detained and incarcerated by Police officers, detectives, agents and/or employees of Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER), and POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT**, as well as **HONORABLE GUY MANGANO, HONORABLE** *Martin Murphy R.B.* **KINGS COUNTY**
DISTRICT ATTORNEYS OFFICE, DISTRICT ATTORNEY CHARLES J. HYNES
ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ., and

ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME], against his will and without just or any cause.

53. That Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER), and POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT, HONORABLE GUY MANGANO, HONORABLE** *Martin Murphy* *R.B.* **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, DISTRICT ATTORNEY CHARLES J. HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ., and ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME], intentionally confined Plaintiff, ROBERT BOLEY, who was aware of such confinement, within the definite physical boundaries of a police precinct, criminal courthouse holding cell, jail cell, and/or other place of incarceration, with no reasonable means to contest said unlawful detention.**

54. That as a result of the foregoing, Plaintiff, **ROBERT BOLEY**, was falsely imprisoned by the defendants herein, against his will and without just or any cause.

55. That by reason of the foregoing negligence on behalf of Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER), POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT, HONORABLE GUY MANGANO, HONORABLE** *Martin Murphy* *R.B.* **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, DISTRICT ATTORNEY CHARLES J. HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ., and ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME], Plaintiff, ROBERT BOLEY, has been caused to sustain serious permanent personal injuries of mind as well as**

special damages and loss and/or diminution in his enjoyment of life, and that as a result of the foregoing, the Plaintiff, **ROBERT BOLEY**, has sustained damages, which exceed the jurisdictional limit of this Court, exclusive of interest, costs, and disbursements and/or Plaintiff has been damaged in a sum not to exceed THREE MILLION (\$3,000,000) DOLLARS.

**AS AND FOR A SEVENTH CAUSE OF ACTION
FOR INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

56. That at all times herein mentioned, Plaintiff repeats, reiterates and realleges each and every allegation contained herein as though set forth at length herein.

57. That as a result of the aforementioned extreme and outrageous conduct intentionally inflicted by Defendants, **ALBERT DEVITO, CAROLYN ZEITLER, SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER), POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT, HONORABLE GUY MANGANO, HONORABLE** *Martin Murphy* R.B.

 **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, DISTRICT ATTORNEY**

CHARLES J. HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ., and ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME],
Plaintiff, **ROBERT BOLEY**, suffered severe emotional and/or mental distress, including but not limited to emotional overlay, depression, stress, anxiety, humiliation, embarrassment and tension.

58. That as a result of the foregoing intentional, extreme and outrageous acts of the Defendants, Plaintiff, **ROBERT BOLEY**, suffered severe emotional and/or mental distress, all of which are permanent in nature, and that as a result of the foregoing, the Plaintiff, **ROBERT BOLEY**, has sustained damages, which exceed the jurisdictional limit of this Court, exclusive of interest, costs, and disbursements and/or Plaintiff has been damaged in a sum not to exceed THREE MILLION (\$3,000,000) DOLLARS.

**AND AS FOR AN EIGHTH CAUSE OF ACTION FOR
VIOLATION OF CIVIL RIGHTS PURSUANT TO 42 U.S.C.A. §1983**

59. That at all times herein mentioned, Plaintiff repeats, reiterates and realleges each and every allegation contained herein as though set forth at length herein.

60. That Defendants, **SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, POLICE OFFICER JOHN DOE #1 (DESK OFFICER), POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT, HONORABLE GUY MANGANO, HONORABLE** *Martin Murphy R.B.* **KINGS COUNTY DISTRICT ATTORNEYS OFFICE, DISTRICT ATTORNEY CHARLES J. HYNES ESQ., ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ., and ASSISTANT DISTRICT ATTORNEY [PRETRIAL ADA NAME, in existence, employed, and/or acting under the color and authority of statutes, ordinances, regulations, customs, or usages of the State of New York, failed to follow proper procedures in their conduct towards, and treatment of Plaintiff, ROBERT BOLEY, all because of who he is, which was violative of Plaintiff's, ROBERT BOLEY, right to due process and equal protection under the laws as guaranteed by the Constitution of the United States of America.**

61. That by reason of the foregoing, Plaintiff, **ROBERT BOLEY**, a citizen of the United States who had resided in the City, County and State of New York, was caused to be subjected to the deprivation of his rights, privileges, and immunities secured by the Constitution and laws of the United States pursuant to Title 42, Section 1983 of the United States Code.

62. That by reason of the foregoing negligence on behalf of Defendants, **ALBERT DEVITO, CAROLYN ZEITLER, SERGEANT [FNU] DURETS, POLICE OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE DOE(S) #'S 2-10 OF THE 61ST PRECINCT, HONORABLE GUY MANGANO, HONORABLE**

Martin Murphy R.B.

KINGS COUNTY DISTRICT ATTORNEYS OFFICE,

DISTRICT ATTORNEY CHARLES J. HYNES ESQ., ASSISTANT DISTRICT

ATTORNEY LISA MARIE VELLUCCI ESQ., ASSISTANT DISTRICT ATTORNEY

[PRETRIAL ADA NAME, Plaintiff, ROBERT BOLEY, has been caused to sustain serious

permanent personal injuries of body and mind as well as special damages and loss and/or

diminution in his enjoyment of life, and that as a result of the foregoing, the Plaintiff,

ROBERT BOLEY, has sustained damages, which exceed the jurisdictional limit of this Court,

exclusive of interest, costs, and disbursements and/or Plaintiff has been damaged in a sum not

to exceed THREE MILLION (\$3,000,000) DOLLARS.

WHEREFORE, Plaintiff, ROBERT BOLEY, demands judgment against Defendants

ALBERT DEVITO, CAROLYN ZEITLER, SERGEANT [FNU] DURETS, POLICE

OFFICER DEXTER DEONARINESINGH, AND POLICE OFFICER JOHN/JANE

DOE(S) #'S 2-10 OF THE 61ST PRECINCT, as well as HONORABLE GUY MANGANO,

Martin Murphy R.B.
HONORABLE *Martin Murphy R.B.* **KINGS COUNTY DISTRICT**

ATTORNEYS OFFICE, DISTRICT ATTORNEY CHARLES J. HYNES ESQ.,

ASSISTANT DISTRICT ATTORNEY LISA MARIE VELLUCCI ESQ., ASSISTANT

DISTRICT ATTORNEY [PRETRIAL ADA NAME], on each of the aforementioned causes of

action, all of which exceed the jurisdictional limit of this Court, exclusive of interest, costs, and

disbursements and/or Plaintiff demands judgment on each and every cause of action in a sum

not to exceed TWENTY-FOUR MILLION (\$24,000,000) DOLLARS, together with costs and disbursements of this action.

Dated: New York, NY
August

R.A.B. 15, 2012

Yours, etc.

ROBERT BOLEY
Pro Se Plaintiff §

(718) 650 5627